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10/067,387	02/05/2002	Yuji Mizushiro	MAT-8228US	7165

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EXAMINER

PENG, FRED H

ART UNIT

PAPER NUMBER

2623

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/067,387

Applicant(s)

MIZUSHIRO ET AL.

Examiner

fred peng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,8-14 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,8-14 and 22-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1, 3, 8-13, 14, 22-26 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 8-14, 22-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Bertis (US 6,564,005 B1) in view of Look et al (US 6,757,906 B1).

Regarding Claim 1, Bertis does disclose in a recoding/reproducing device (FIG.1A, 102) having a program list recording part (FIG.2, 220) to record program information comprising:

- (a) Control input means (FIG.1A 106) to input a password (FIG.7 404);
- (b) Password managing part (FIG.2 214) to manage said password (FIG.7 406, Col 6 lines 8-10);
- (c) Program list forming means (FIG.2 204) to read from said program list recording part and to form a program list (FIG.10);

wherein:

said program list recording part includes a 1<sup>st</sup> program list recording part whose information is stored responsive to input of a valid password from the control input means which matches the password managed in said password managing part (FIG.6, FIG.7 400, 402, 404, 406, 408, 412, 424, Col 6 lines 28-35, FIG.10, 502, 504, 532).

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The control input means determines whether the program information is to be stored in a 1<sup>st</sup> program list recording part. (FIG.5, FIG.6, 360, 362, user can login as Katie with password RED); and

The program list forming means are provided one of a plurality of indication modes, the plurality of indication modes including: (1) a 1<sup>st</sup> indication mode in which said program list is read from one of : (i) the 1<sup>st</sup> program list recording part (FIG.10 502, 504, indicating with user name Katie and her password "RED" as in the 1<sup>st</sup> program list recording part); or (ii) the 1<sup>st</sup> program list recording part and the 2<sup>nd</sup> program list recording part to form the program list and (2) a 2<sup>nd</sup> indication mode in which said program list is read from the 2<sup>nd</sup> program list recording part to form the program list.

Bertis does not disclose a 2<sup>nd</sup> program listing recording part whose information is stored responsive to the control input means when a user does not input said valid password.

In an analogous art, Look does disclose a 2<sup>nd</sup> program listing recording part (FIG.1 105) whose information is stored responsive to the control input means (FIG.14) when a user does not input said valid password (FIG.16, Col 14 lines 27-32, viewer can pick programs to record without valid password through the menu).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Bertis with a 2<sup>nd</sup> program listing recording part whose information is stored responsive to the control input means when a user does not input said valid password taught by Look to maintain the privacy with password and flexibility and convenience without password.

Regarding Claim 3, Bertis further discloses said one of the plurality of indication modes is selected by the control input means (FIG.7, 400-410, user can select to login and display the user menu).

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Regarding Claim 8, Bertis further discloses said program list including a reservation list indicating program information to set a reservation (FIG.10 508) and recorded program list indicating recorded program information (FIG.10 532).

Regarding Claim 9, Bertis further discloses choosing a program in said program list read from program list recording part enables contents of a desired program to be reproduced or deleted from the recording medium (FIG.8 454, 456).

Regarding Claim 10, Bertis does disclose the recording and reproducing device further comprising:

A V-chip signal detecting part (FIG.2, 231) to detect a V-chip signal in a television broadcasting, wherein said V-chip signal detected in said V-chip detecting part controls television broadcasting program information to be recorded in the 1<sup>st</sup> program list recording part (FIG.7, 420, Col 7 lines 53-55).

Bertis does not disclose program information to be recorded in the 2<sup>nd</sup> recording part if V-chip detecting otherwise.

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Bertis with program information to be recorded in the 2<sup>nd</sup> recording part taught by Look if V-chip detecting otherwise so that good programs will not be missed with parents' supervision.

Regarding Claim 11, Bertis further discloses a rating level of V-chip system is determined by said control input means (FIG.6, 368).

Regarding Claim 12, Bertis further discloses the program information is recorded in the 1<sup>st</sup> program list recording part when the V-chip signal of desired program is detected to be stricter than said predetermined rating level (Col 7 lines 53-55).

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Regarding Claim 13, Bertis further discloses television broadcasting program information is recorded in the 1<sup>st</sup> program list recording part when a viewing restriction in said V-chip signal is detected in said V-chip signal detecting part (Col 7 lines 53-55).

Regarding Claim 14, Bertis discloses a method of forming a program list of a recording and reproducing device (FIG.1A, 102) having plural program list recording parts (FIG.2, 220, Col 5 lines 54-55) to record program information of television broadcasting contents, and having said program list including a reservation list to record reservation program information (FIG.10, 508) and a recorded list to record recorded program information (FIG.10, 532), comprising the steps of:

- (a) Determining whether a password is inputted and valid (FIG.7, 404, 406);
- (b) Storing the program information (1) in a 1<sup>st</sup> program list recording part, when the password is both inputted and valid (FIG.6, FIG.7, 406, 424, when the user input the valid password "RED" the program information is stored in a 1<sup>st</sup> program list recording part);
- (c) Forming and displaying the program list from one of: (1) said 1<sup>st</sup> program list recording part (FIG.10, 500) (2) said 2<sup>nd</sup> program list recording part; or (3) said 1<sup>st</sup> and 2<sup>nd</sup> program list recording parts.

Bertis does not disclose storing the program information in a 2<sup>nd</sup> program list recording part when the password is either not inputted or not valid.

In an analogous art, Look does disclose storing the program information in a 2<sup>nd</sup> program list recording part when the password is either not inputted or not valid. (FIG.16, Col 14 lines 27-32, viewer can pick programs to record without either valid or no password through the menu).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Bertis with storing the program information in a 2<sup>nd</sup> program list recording part when the password is either not inputted or not valid taught by Look to maintain the privacy with password and flexibility and convenience without password.

Regarding Claim 22, Bertis discloses a recoding/reproducing apparatus (FIG.1A, 102), comprising:

A 1<sup>st</sup> recording area where program information is at least one of stored and accessed when a valid password is entered (FIG.6, FIG.7 400, 402, 404, 406, 408, 412, 424, Col 6 lines 28-35, FIG.10, 502, 504, 532).

Bertis does not disclose a 2<sup>nd</sup> recording area where said program information is at least one of stored and accessed when said valid password is not entered.

In an analogous art, Look does disclose a 2<sup>nd</sup> recording area where said program information is at least one of stored and accessed when said valid password is not entered (FIG.16, FIG.17, Col 15 lines 27-35).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Bertis with a 2<sup>nd</sup> recording area where said program information is at least one of stored and accessed when said valid password is not entered taught by Look to maintain the privacy with password and flexibility and convenience without password.

Regarding Claim 23, Bertis further discloses a V-chip for evaluating said program information (FIG.2 231, FIG.6 368, Col 5 lines 32-34) and for storing said program information in said 1<sup>st</sup> memory if said program information is in a restricted category identified by said V-chip (FIG.7 420, 424).

Regarding Claim 24, Bertis discloses a recoding/reproducing apparatus, comprising:  
A 1<sup>st</sup> recording part having a plurality of locations where program information is stored when respective valid passwords are entered (FIG.7 404, 406, 424).

Bertis does not disclose a 2<sup>nd</sup> recording part where program information is recorded when said valid passwords are not entered.

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In an analogous art, Look does disclose a 2<sup>nd</sup> recording part where program information is recorded when said valid passwords are not entered (FIG.16, Col 14 lines 27-32, viewer can pick programs to record without valid password through the menu).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Bertis with a 2<sup>nd</sup> recording part where program information is recorded when said valid passwords are not entered taught by Look to maintain the privacy with password and flexibility and convenience without password.

Regarding Claim 25, Bertis does disclose a recoding/reproducing device (FIG.1A, 102) having a program list recording part (FIG.2, 220) to record program information, wherein the program information is determined to be recorded in a 1<sup>st</sup> recording part by control input means, comprising:

- (a) the control input means (FIG.1A 106) to input a password (FIG.7 404);
- (b) a password managing part (FIG.2 214) to manage said password (FIG.7 406, Col. 6 lines 8-10);
- (c) Program list forming means (FIG.2 204) to read from said program list recording part and to form a program list (FIG.10);

wherein:

said program list recording part includes a 1<sup>st</sup> program list recording part whose information is indicated responsive to input of a valid password which matches the password managed in said password managing part (FIG.6, FIG.7 400, 402, 404, 406, 408, 412, 424, Col 6 lines 28-35, FIG.10, 502, 504, 532).

Bertis does not disclose a 2<sup>nd</sup> program listing recording part whose information is indicated when a user does not input said valid password.

In an analogous art, Look does disclose a 2<sup>nd</sup> recording part where program information is indicated when a user does not input said valid passwords (FIG.16, FIG.17, Col 15 lines 27-35).



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It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Bertis with a 2<sup>nd</sup> recording part where program information is indicated when a user does not input said valid passwords taught by Look to maintain the privacy with password and flexibility and convenience without password.

Regarding Claim 26, Bertis does disclose a recoding/reproducing device (FIG.1A) having plurality program list recording parts (FIG.2 220, Col 5 lines 54-55) to record program information of television broadcasting contents, wherein the program information is determined to be recorded in a 1<sup>st</sup> recording part (FIG.6) by control input means (FIG.1D), comprising:

- (a) A password managing part (FIG.2 214) to manage passwords (FIG.7 406);
- (b) Said control input means (FIG.1A 106) to input said passwords (FIG.7 404);
- (c) A recording medium dividing part for dividing a recording medium into a plurality of divided recording areas (Col 2 lines 3-6),
- (d) A program list forming part (FIG.2 204) to read from said program list recording parts based on said divided record areas and to form a program lists (FIG.10, Col 2 lines 6-11);

wherein program information is read from at least one of said program list recording parts based on said divided record areas (FIG.5, FIG.6, Col 2 lines 6-11), and one of said program lists is formed when an inputted one of said passwords by said control input means matches one of said passwords which corresponds to one of said record areas managed in said password managing part (FIG.7, 404, 406, 408, 410); and

wherein one of said divided record areas of said recording medium comprises one recording part whose information is indicated responsive to input of a valid password which matches one of the passwords that correspond to one of the record areas and is managed in said password managing part (Fig.8, 105, user menu is displayed after user inputs the valid password).

Bertis does not disclose another recording part whose information is indicated when a user does not input said valid password.

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In an analogous art, Look does disclose another recording part whose information is indicated when a user does not input said valid password (FIG.16, FIG.17, Col 15 lines 27-35).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Bertis with a 2<sup>nd</sup> recording part where program information is indicated when a user does not input said valid passwords taught by Look to maintain the privacy with password and flexibility and convenience without password.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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**Conclusion**

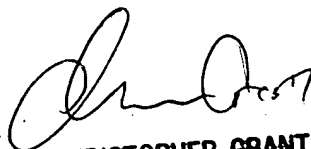
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Peng whose telephone number is (571) 270-1147. The examiner can normally be reached on Monday-Friday 08:00-17:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christ Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-270-2147.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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